

### **REMARKS**

Applicant thanks the Examiner for the careful consideration given to this application. Reconsideration is now respectfully requested in view of the amendment above and the following remarks.

Claims 1-20 are pending in this application. Claims 1, 5 and 17 are independent claims. Claim 5 has been amended without prejudice herein. Reconsideration and allowance of the present application are respectfully requested.<sup>1</sup>

#### **Interview Summary**

Applicants' representative thanks the Examiner for granting an interview on December 30, 2009. The interview was attended by Mr. Jonathan Darcy and Examiner El Chanti. Distinctions between the claimed invention and the cited art were discussed.

#### **Allowable Subject Matter**

Applicants note with appreciation the Examiner's indication that Claims 5-14 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For non-limiting purposes of expediting prosecution of the subject application, Applicant has amended Claim 5 without prejudice to be independent in form. Accordingly, Applicant submits at least Claims 5-14 are in condition for allowance, an early notification of which is earnestly solicited.

#### **Claim Rejections under 35 U.S.C. §112**

Claims 1 and 17 stand rejected under 35 USC §112, first paragraph, as allegedly failing to comply with the written description requirement. This rejection is respectfully traversed for at least the following reasons.

---

<sup>1</sup> The following discussion identifies exemplary reference characters, and/or references portions of the disclosure. Such identification and/or references do not constitute a representation that any claim element is limited to the embodiment illustrated at any identified character or described in any referenced portion of the disclosure.

The Office action alleges “[t]he disclosure of the invention does not describe the limitations “free of the network address identifying network location of the selected bearer manager.” Applicant traverses this assertion for at least the following reasons.

Support for such a limitation may be found throughout the specification as originally filed. By way of non-limiting example, in certain embodiments of the present invention, apparatus 46 includes an application-level bearer setup request signal generator 56. *See, Specification, p. 11, l. 12.* The generator generates a bearer setup request signal. *See, Specification, p. 11, l. 13.* The signal is provided to the home-network AAA entity 34. *See, Specification, p. 11, ll. 13-14.* Upon successful authentication and authorization, the bearer setup request is forwarded to a visited-network AAA entity 36. *See, Specification, p. 11, l. 16-18.* Upon successful policy checking, the visited-network AAA entity also includes a bearer setup request signal generator 72 that forwards the AAA bearer setup request signal to the bearer manager. *See, Specification, p. 11, l. 20 – p. 12, l. 1.*

Accordingly, and as was discussed in the March 9, 2007 Amendment in the subject application, due to redirection of the application level bearer setup request to the transport level using existing transport level (AAA) infrastructure, the selected bearer manager can be addressed without its network address in the generated application level bearer setup request. *See, March 9, 2007 Amendment, p. 9, ll. 12-18; see also, Fig. 6 and Specification, p. 15, ll. 11-19 (“... First, and as indicated by the block 98, a first bearer setup request is generated at a first application-level entity. The first bearer setup request requests the selected bearer manager to create the bearer between the mobile node and the correspondent node. The first bearer setup request, when generated at the first application-level entity, is free of the network identifier identifying the network location. Then, and as indicated by the block 100, the first bearer setup request is provided to a transport-level signaling layer entity.”).*

Consistently, and as is described also at page 7, lines 10-11 of the Specification, “[t]he first bearer setup request, when generated at the first application-level entity, is free of the network identifier identifying the network location.”

Therefore, Applicants respectfully request that the rejections of Claims 1 and 17 under 35 U.S.C. §112 be withdrawn.

**Claim Rejections under 35 U.S.C. §102**

Claims 1-4 and 15-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,816,912 to Borella et al. (hereinafter "Borella"). These rejections are respectfully traversed for at least the following reasons.

As is discussed in the subject application, communications between a communications node and a correspondent node may be effectuated by setting up a bearer between the endpoints. *Specification, p. 3, ll. 7-9*. The term "bearer" is used, generally, to refer to a connection, at least upon a radio link extending to the mobile node from a network part of the communication system. *Specification, p. 3, ll. 9-11*. And, the bearer generally refers to an entity formed by all factors that affect data transmission upon the radio link extending to the mobile node. *Specification, p. 3, ll. 11-13*. For instance, the data transmission rate, delay, and bit error ratio are all factors that are determinative of the bearer. *Specification, p. 3, ll. 13-14*. The procedure and process of setting up of the bearer is sometimes referred to as a bearer setup. *Specification, p. 3, ll. 14-15*. And, a bearer manager is a network entity, located, for instance, at an access network, that controls the bearer setup procedures. *Specification, p. 3, ll. 15-16*.

As is also discussed in the subject application, existing proposals relating to mechanisms and procedures associated with bearer setup require that a direct interface be utilized to route a bearer setup request to an appropriate bearer manager. *Specification, p. 3, ll. 17-19*. For instance, when the network part of the communication system includes application servers, the direct interface is required to be positioned between an application server and the bearer manager. *Specification, p. 3, ll. 19-21*. This requirement lacks scalability. *Specification, p. 3, l. 21*.

Consistently, independent Claim 1, in part, recites "the first bearer setup request for requesting the selected bearer manager to create the bearer between the communication node and the correspondent node, and the first bearer setup request, when generated at the first application-level entity, being free of a network address identifying the network location of the selected bearer manager." Independent claim 17, in part, recites "selectably generating a first application-level bearer setup request at a first application-level entity, the first application-level bearer setup request for requesting the selected bearer manager to create the bearer between the communication node and the correspondent node, and the first bearer setup request, when

generated at the first application-level entity, being free of a network address identifying the network location of the selected bearer manager.” Borella does not teach or suggest these features.

The Office action argues Borella teaches the method of Claim 1 at column 11, line 6 through column 12, line 19. *10/6/2009 Office action, par. 3*. Applicant traverses this assertion for at least the following reasons.

The cited passages of Borella relate to method 138 shown in Fig. 6 thereof. *U.S. Pat. No. 6,816,912, col. 11, ll. 36-39*. Therein, a communications path between one or more foreign service applications on a foreign network and a tunnel server on the foreign network is provided at step 140. *U.S. Pat. No. 6,816,912, col. 11, ll. 39-42*. At step 142, a registration request is received on a foreign agent on the foreign network from a mobile network device that has roamed from a home network to the foreign network. *U.S. Pat. No. 6,816,912, col. 11, ll. 42-45*. At step 144, a unidirectional virtual tunnel is established from the tunnel server to the foreign agent. *U.S. Pat. No. 6,816,912, col. 11, ll. 45-46*. After the virtual tunnel is established, data packets in Borella are tunneled at the tunnel server from one or more foreign service applications via the unidirectional virtual tunnel to the foreign agent. See, *U.S. Pat. No. 6,816,912, col. 11, ll. 54-57*. The un-tunneled data packets are sent from the foreign agent to the mobile network device. See, *U.S. Pat. No. 6,816,912, col. 11, ll. 57-59*.

Accordingly, the Office action cited Borella teachings are not concerned with using a bearer manager to setup bearer requests. Indeed, Borella does not teach or suggest using a bearer manager at all. Consistently, Borella is not concerned with whether a bearer setup request provided to a transport level entity is “free of a network address identifying the network location of the selected bearer manager.” Instead, one skilled in the art could only assume based on the teachings of Borella that if a bearer manager is used, the bearer setup request includes the network address identifying the network location of the selected bearer manager, as is known in the art.

Based on the distinctions noted above, Applicants submit that Borella does not teach or suggest each of the elements of Claims 1 and 17. Each of Claims 2-4, and 15-20 depends on Claims 1 and 17 and incorporates all of the elements of Claims 1 and 17, in addition to the further elements recited therein. Hence each of Claims 1-4 and 15-20 are allowable. Therefore,

Applicants respectfully request that this rejection of Claims 1-4 and 15-20 under 35 U.S.C. §102 be withdrawn.

**Disclaimer**

Applicants may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

**CONCLUSION**

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 27592-00425-US from which the undersigned is authorized to draw.

Dated: January 8, 2010

Respectfully submitted,

Electronic signature: /Jonathan M Darcy/  
Jonathan M Darcy  
Registration No.: 44,054  
Jeffrey W. Gluck  
Registration No.: 44,457  
CONNOLLY BOVE LODGE & HUTZ LLP  
1875 Eye Street, NW  
Suite 1100  
Washington, DC 20006  
(202) 331-7111  
(202) 293-6229 (Fax)  
Attorneys for Applicants